

**EXHIBIT 9**

Michael K. Jeanes, Clerk of Court  
\*\*\* Electronically Filed \*\*\*  
07/26/2012 8:00 AM

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2012-051622

07/25/2012

HONORABLE MICHAEL R. MCVEY

CLERK OF THE COURT  
R. Tomlinson  
Deputy

PAUL N PAPAS II

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4727 E BELL RD # 45 PMB 350  
PHOENIX AZ 85032

v.

PEOPLES MORTGAGE COMPANY, et al.

ROBERT G ANDERSON

COLT B DODRILL

MINUTE ENTRY

The Court has reviewed Plaintiffs' Emergency Request for Injunction filed July 23, 2012. This pleading requests that the Court enjoin Defendants and/or the purchaser of the subject property from evicting them from the premises following a trustee sale of the subject property under the deed of trust.

Plaintiffs' Complaint was dismissed without prejudice by Order dated May 11, 2012. Plaintiffs never moved to amend the Complaint to state any new claims thereafter. Plaintiff did however, file a number of pleadings with the Clerk of Court subsequent to the dismissal order. This Court was not provided copies of those pleadings, and was not made aware that they had been filed until this Emergency Request for Injunction was filed on July 23, 2012.<sup>1</sup>

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<sup>1</sup> These pleadings include a Request for Findings of Fact and Conclusions of Law (filed May 12, 2012); Plaintiffs' Notice of Filing Bankruptcy (filed June 12, 2012); Plaintiffs' Motion to Seize Property (filed June 27, 2012); Plaintiffs' Notice of Filing for Relief from Automatic Stay (filed June 28, 2012); Plaintiffs' Notice Paid in Full (filed July 2, 2012).

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The Court having previously determined that the Complaint failed to state a claim entitling Plaintiffs to legal or equitable relief before the trustee sale occurred, there is no basis to preclude a *bona fide* purchaser from proceeding with an eviction action now that the trustee sale has occurred. Furthermore, as Plaintiffs never filed an Application for Temporary Restraining Order to enjoin the trustee sale, they have “waived all defenses and objections to the sale not raised in an action that results in the issuance of a court order granting relief pursuant to Rule 65, Ariz. R. Civ. P., entered before 5:00 p.m. Mountain Standard Time on the last business day before the scheduled date of the sale.” A.R.S. § 33-811(C).

**IT IS ORDERED** denying Plaintiffs’ Emergency Request for Injunction.

ALERT: The Arizona Supreme Court Administrative Order 2011-140 directs the Clerk's Office not to accept paper filings from attorneys in civil cases. Civil cases must still be initiated on paper; however, subsequent documents must be eFiled through AZTurboCourt unless an exception defined in the Administrative Order applies.

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As for Plaintiffs’ Motion for Findings of Fact and Conclusions of Law, had such a motion been timely filed and a copy timely delivered to this Court it would have been denied. By its plain reading Rule 52 is inapplicable to motions to dismiss for failure to state a claim, because the court assumes the truth of all facts pled in plaintiffs’ complaint.

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